



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI
[REDACTED]

Date Mailed: May 19, 2021
MOAHR Docket No.: 21-001716
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 28, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Stephanie Bussa, Family Independence Specialist and Anissa Ali, Lead Worker for the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) for delivery fuel due to noncompliance with the Office of Child Support (OCS)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied for SER benefits, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255.
2. On May 30, 2020, the OCS sent Petitioner a First Customer Contact Letter indicating that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 4.
3. On June 5, 2020, the OCS sent Petitioner a Final Customer Contact Letter indicating that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 5.

4. On August 4, 2020, the OCS sent Petitioner a Noncooperation Notice because Petitioner did not respond, and she had 10 days to complete the Online Child Support Response form. Department Exhibit 6.
5. On December 9, 2020, the Petitioner applied for SER benefits for delivery fuel. Department Exhibit 2.
6. On December 10, 2020, the Department Caseworker denied Petitioner's SER application due to failure to comply with OCS. Department Exhibit 3.
7. On March 10, 2021, the Department received a hearing request from Petitioner, contesting the Department's negative action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner applied for SER benefits, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255. On May 30, 2020, the OCS sent Petitioner a First Customer Contact Letter indicating that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 4. On June 5, 2020, the OCS sent Petitioner a Final Customer Contact Letter indicating that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 5. On August 4, 2020, the OCS sent Petitioner a Noncooperation Notice because Petitioner did not respond, and she had 10 days to complete the Online Child Support Response form. Department Exhibit 6.

On December 9, 2020, Petitioner applied for SER benefits for delivery fuel. Department Exhibit 2. On December 10, 2020, the Department Caseworker denied Petitioner's SER application due to failure to comply with OCS. Department Exhibit 3. On March 10, 2021, the Department received a hearing request from Petitioner, contesting the Department's negative action.

During the hearing, Petitioner stated that she had given all of the information that she could about the father of her child. However, the OCS Caseworker said that the information that she provided was too vague and was not enough to positively identify the child's father. Petitioner answered the OCS Caseworker's questions at the hearing. She was deemed to be in cooperation on the hearing day, but she was in

noncooperation when she applied for SER so was not eligible for SER benefits. Petitioner can reapply for SER benefits if she still has a need. ERM 203. BEM 255.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined that the Petitioner was not eligible for SER benefits because she was in noncompliance with OCS.

Accordingly, the Department's decision is **AFFIRMED**.

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

